

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

GINA CARANO, ) Case No.: 2:24-cv-01009-SPG-SK  
Plaintiff, ) [PROPOSED] ORDER DENYING  
v. ) DEFENDANTS' MOTION TO  
THE WALT DISNEY COMPANY, ) DISMISS FOR FAILURE TO  
LUCASFILM LTD, LLC, and ) STATE A CLAIM: [ECF NO. 33]  
HUCKLEBERRY INDUSTRIES )  
(US) ) Date: June 12, 2024  
Defendants. ) Time: 1:30 p.m.  
 ) Judge: Hon. Sherilyn Peace Garnett  
 ) Courtroom: 5C  
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On April 9, 2024, Defendants file a Motion to Dismiss Plaintiff's Complaint for Failure to State a Claim [ECF No. 33].

On May 9, 2024, Plaintiff filed a Response in Opposition to Defendants' Motion.

Defendants assert that Plaintiff's claims are barred by the First Amendment to the U.S. Constitution. Under Defendants' theory, as an "expressive entity," they have full autonomy to select, retain, or terminate all actors who appear in any of their movies and shows. The law, however, does

1 not go that far. Indeed, the Supreme Court, the Ninth Circuit, and even other  
2 courts in this district have all held that the press and movie and television  
3 production companies are not immune from claims of discrimination and  
4 retaliation of the kind set out in Plaintiff's Complaint. Plaintiff's Complaint is  
5 clear that she was terminated for expressing her personal opinions outside of  
6 work and not for any artistic purpose, meaning her termination was not for  
7 any reason protected by the First Amendment.

8 For that reason and recognizing that in evaluating a Motion to Dismiss  
9 all factual allegations are to be accepted as true and in a light most favorable  
10 to the Plaintiff, Defendants have failed to establish their asserted defense.

11 The Court, having considered Defendants' Motion and Plaintiff's  
12 Response, hereby:

13 1. DENIES the Motion to Dismiss; and  
14 2. ORDERS that Defendants shall file their Answer to the Complaint  
15 within 10 days of the date of this order.

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17 IT IS SO ORDERED.  
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19 Dated:

20 \_\_\_\_\_  
21 HON. SHERILYN PEACE GARNETT  
22 UNITED STATES DISTRICT JUDGE  
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